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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,362	04/25/2001	Gunnar Back	3191/01393	6563

7590 05/15/2003

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EXAMINER	
WILLIAMS, ERIC M	

ART UNIT	PAPER NUMBER
3681	

DATE MAILED: 05/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/842,362	Applicant(s) BACK ET AL.	
	Examiner Eric M Williams	Art Unit 3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 February 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,121 and 122* is/are pending in the application.

4a) Of the above claim(s) *127* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,121 and 122* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This action is in response to the papers filed 02-24-2003 for serial number 09/842,362.

Election/Restrictions

2. Claim 127 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. In the first Office Action sent 10-23-2002, claim 127 was examined on the merits. The Examiner incorrectly treated claim 127 as being readable upon the elected species of Figures 9 and 13. After further consideration the Examiner concluded claim 127 is directed towards and readable upon the non-elected species of Figure 35. Therefore, claim 27 is withdrawn from further consideration.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 and 121 and 122 are rejected under 35 U.S.C. 102(b) as being anticipated by Walth et al. Patent No. 5,738,198.

Walth discloses a hydrokinetic torque converter comprising: a housing (2) rotatable about a predetermined axis a pump rotatable by the housing, a turbine (10)

rotatable in the housing about the axis by and relative to the pump means for rotating the housing, an output element (13) rotatable about the axis and receiving torque from the turbine, a fluid-operated bypass clutch (15) arranged to transmit variable torque between the housing and the output element independently of the turbine, the clutch including a first part rotatable with the housing, a second part rotatable with the output element and friction generating means (22a) operable to transmit torque between the parts with and without slip with attendant generation of friction heat during operation with slip (column 1 lines 51-67 discloses the inherent characteristics of hydrokinetic torque converters and the friction heat generated during slip), first and second plenum chambers containing bodies of hydraulic fluid at variable pressure with the provision for fluid flow (the channel portion 24 disclosed throughout Walth's disclosure constitutes a provision for fluid flow) between the chambers past the friction generating means, and means for regulating the fluid flow (channel 24 provides the inherent means for regulating fluid flow. As the torque increases, slippage of the clutch occurs and the heat generated causes the viscosity and speed of the fluid to increase, and therefore causing the fluid to flow to be regulated through channel 24) in dependency upon the magnitude of torque being trasmitted by the clutch, torsional vibration damping means (16) operating between the first part and at least one of the second part and turbine and the output element, and a stator (12) provided in the housing intermediate the pump and the turbine.

Walth also discloses a method of cooling the hydrokinetic torque converter as recited in claim 1, by establishing at least one path for the flow of fluid between the

chambers by way of the clutch, at least in the partly engaged condition of the clutch (column 1); and regulating the flow of fluid along the at least one path in dependency upon the extent of slip between said driving and driven components (channel 24 provides the inherent means for regulating fluid flow. As the slippage of the clutch occurs the heat generated causes the viscosity and speed of the fluid to increase, and therefore causing the fluid to flow to be regulated through channel 24), the regulating step including increasing the rate of fluid flow along the at least one path when the clutch operates with slip and reducing the rate of fluid flow when the clutch operates without slip (the greater the clutch slippage the more the heat generated and the greater the increase in the velocity of the fluid flow through 24).

Response to Arguments

5. Applicant's arguments filed 02-24-2003 have been fully considered but they are not persuasive.

The Applicant argues the recited feature of, "the means for regulating fluid flow in dependency upon the magnitude of torque being transmitted by the clutch" is not found in the reference and that the channels taught by the Walth reference do not constitute such means. According to Applicant's specification (page 11, lines 8-15 Background of the Invention), "the means for regulating the fluid flow between the chambers in dependency upon the magnitude of torque being transmitted....The regulating means preferably comprises means for automatically altering the rate of fluid flow between the plenum chambers in response to variations of the slip between the driving and driven

components." Page 12 line 12, continues, "the viscosity of fluid in the flow between plenum chambers varies in response to the changes of the extent of slip between the driving and driven components, and the rate of fluid flow between the plenum chambers can be regulated in response to variation of the viscosity of fluid." The Walth reference ('198) teaches a hydrokinetic torque converter with channels (24) for providing fluid flow between the plenum chambers (18,20) because of a need to dissipate during clutch engagement slippage. The slippage during engagement of the clutch generates heat increasing the surrounding fluid viscosity and the rate of flow through the several routes established by channels 24. Walth elaborates on the dependency of torque concept in columns 7 lines 15-35 by explaining how increased torque conditions cause the slippage of the clutch. The Walth document therefore does address the feature of fluid flow regulating means dependent upon the torque transmitted by the clutch.

Similarly, the above responses apply to the Applicant's arguments regarding the Walth teaching lacking the step of regulating the flow in dependency upon the extent of slip between the driving and driven components.

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M Williams whose telephone number is 703-305-0607. The examiner can normally be reached on Mon. - Fri. from 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A Marmor can be reached on 703-308-0830.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

EMW

May 13, 2003

RODNEY H. BONCK
PRIMARY EXAMINER
ART UNIT 3681